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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/657,095 | 09/09/2003 | Seung Jong Choi | 0465-1049P | 9846 |
| 2292 | 7590 | 04/20/2006 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | LEE, MICHAEL | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2622 | |

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,095

Applicant(s)

CHOI, SEUNG JONG

Examiner

M. Lee

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-18 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christopher et al. (5,689,301).**

Regarding claim 1, Christopher shows a film mode detection unit (100), and a film mode processing unit (col. 7, lines 45-59), except the OSD processing unit as claimed. The examiner takes Official Notice that using OSD to indicate the availability of a program or event is well known in the art. For instance, many conventional television receivers employ an OSD to inform the viewers the channel that they are watching and additional information regarding the program the same. The OSD feature enables the viewers to be well informed without using any other means, such as a TV guide or the internet. With the same analogy, since Christopher has an output signal indicating the presence of a film originated video signal, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Christopher to include the conventional OSD feature into the film mode detection apparatus so that the viewer could be properly informed when a film originated video source is detected.

Regarding claim 2, see col. 7, lines 45-48.

Regarding claims 4 and 5, the video signal in Christopher could be derived from a DVD player which inherently includes caption data and time information.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jiang (6,670,996).

Regarding claim 1, Jiang shows a film mode detection unit (3:2 pulldown signal generator 460), and a film mode processing unit (display generator 470 which converts either progressive or interlaced video into progressive format (col. 2, lines 6-9)), except the OSD processing unit as claimed. The examiner takes Official Notice that using OSD to indicate the availability of a program or event is well known in the art. For instance, many conventional television receivers employ an OSD to inform the viewers the channel that they are watching and additional information regarding the program the same. The OSD feature enables the viewers to be well informed without using any other means, such as a TV guide or the internet. With the same analogy, since Jiang has an output signal indicating the presence of a film originated video signal, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Jiang to include the conventional OSD feature into the film mode detection apparatus so that the viewer could be properly informed when a film originated video source is detected.

Regarding claim 2, see col. 4, lines 33-36.

Regarding claim 3, see col. 4, lines 36-51.

Regarding claims 4 and 5, the DVD stream (see col. 3, lines 32-44) inherently includes caption data and time information.

Allowable Subject Matter

4. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 7-18 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach or suggest the audio signal processing unit as recited in claims 6 and 7, and the third step as recited in claim 12.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka (6,078,725) shows an audio/video playback system.

Krause (4881,125) shows a film mode detector.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number 571-272-7349. The examiner can normally be reached on Monday through Thursday from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz, can be reached on 571-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'M. Lee', with a stylized, flowing script.

M. Lee
Primary Examiner
Art Unit 2622